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DECISION



20765
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

etc

FILE: B-204372

DATE: February 8, 1982

MATTER OF: Steven A. Knutson - Claim for Household
Goods - Erroneous Advice

DIGEST: New employee appointed to position in Alaska disposed of portion of his household goods and personal effects due to erroneous advice from agency personnel office that new employees bear the expense of transporting family and household goods to Alaska. There is no legal basis upon which employee's claim for reimbursement for the goods may be authorized. Also, the claim does not contain necessary elements of an extraordinary nature and of unusual legal liability or equity so as to warrant its submission to Congress under the Meritorious Claims Act, 31 U.S.C. § 236 (1976).

The issue in this case is whether a new employee may be reimbursed for the cost of household goods which he sold or gave away when he was erroneously advised that the Government does not pay the relocation expenses of a new employee hired for duty in Alaska. We hold that the claim may not properly be certified for payment, and we do not recommend that it be submitted to Congress as a meritorious claim.

The case was forwarded to this Office for a decision by Peter V. Larme, an authorized certifying officer of the Forest Service, Department of Agriculture. On April 25, 1980, Steven A. Knutson, a resident of the State of Washington, accepted a position with the Chatham Area Forest Service in Sitka, Alaska. In two separate telephone conversations with the Chatham Area Personnel Office, Mr. Knutson raised the issue of the Forest Service paying for his family's relocation from Olympia, Washington to Sitka, Alaska. He was erroneously informed that new hires bear the expense of moving to Alaska.

Based upon this information, Mr. Knutson sold his car and purchased a van, trailer and cartop carrier to carry as much of his household goods as possible. Due to the

limited capacity of the vehicles to transport all the belongings, he sold or disposed of a majority of his family's household goods. Seven months afterwards, he was informed that, under 5 U.S.C. § 5722(a)(1) (1976), he was eligible to receive reimbursement for travel and transportation expenses for the relocation. He signed the required employee agreement and submitted a travel voucher for approval. The travel voucher included the losses he incurred in selling or disposing of various household items and personal effects, costs of items purchased to make the move, and transportation of the household goods packed on the van based on an estimated weight obtained from a moving company. He was reimbursed \$905.80, under the Federal Travel Regulations (FTR) (FPMR 101-1, May 1973), only for transportation and per diem expenses.

Mr. Knutson claims additional reimbursement in the amount of \$4,754.84, for the household goods he disposed of or sold. He has dropped his claim for the cost of the van, trailer, and cartop carrier. The Forest Service recommends that his claim be approved in the amount of \$3,129.48, which is based on the depreciation of the household items and the amount he received for selling some of those items. In the alternative the Forest Service recommends that the claim be submitted to Congress for consideration under the Meritorious Claims Act. The basis for the Forest Service's recommendation is that Mr. Knutson would not have suffered any loss had he received the correct information regarding the travel expenses of new hires to locations in Alaska.

Under 5 U.S.C. § 5722(a) (1976), a new appointee to a post of duty in Alaska, is entitled to reimbursement of expenses incurred in the transportation of his household goods and personal effects from his residence to his place of employment. The implementing regulations are contained in Chapter 2 of the FTR. However, neither the statute nor the regulations authorize any payments to be made in lieu of transportation expenses.

While it is regrettable that Mr. Knutson received erroneous information, we can find no legal basis to authorize payment for him for the household furnishings he did not transport. See B-179635, March 20, 1974. It is well

settled that in the absence of specific statutory authority the Government is not liable for the negligent or erroneous acts of its officers, agents, or employees even though committed in the course of their official duties. Hence, the receipt of information later established to be erroneous by one dealing with a Government official does not afford a legal basis for a payment from appropriated funds. See 56 Comp. Gen. 943 (1977); Federal Crop Insurance Corporation v. Merrill, 332 U.S. 380 (1947); Posey v. United States, 449 F.2d 228, 234 (5th Cir. 1971); and Parker v. United States, 461 F.2d 806 (Ct. Cl. 1972).

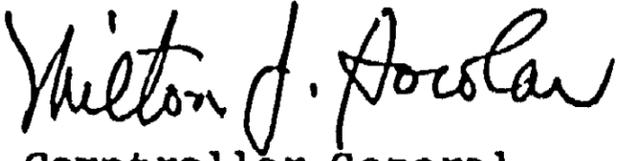
With respect to the question of reporting this matter to the Congress with a recommendation that special legislation be enacted for the employee's relief, the Meritorious Claims Act of 1928, codified as 31 U.S.C. § 236 (1976), provides:

"When there is filed in the General Accounting Office a claim or demand against the United States that may not lawfully be adjusted by the use of an appropriation theretofore made, but which claim or demand in the judgment of the Comptroller General of the United States contains such elements of legal liability or equity as to be deserving of the consideration of the Congress, he shall submit the same to the Congress by a special report containing the material facts and his recommendation thereon."

It has been the consistent position of this Office that the procedure provided by the Meritorious Claims Act is an extraordinary one, and its use is limited to extraordinary circumstances. The cases reported for the consideration of the Congress generally involve equitable circumstances of an unusual nature which are unlikely to constitute a recurring problem, since to report to Congress a particular case, where similar equities exist or are likely to arise with respect to other claimants, would constitute preferential treatment over others in similar circumstances. We do not believe that Mr. Knutson's case presents such elements of unusual legal liability or equity which would justify reporting the claim to Congress for its consideration.

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Accordingly, the claim is disallowed and will not be submitted to the Congress as a meritorious claim.

for 
Comptroller General
of the United States